

## REMARKS

Applicant acknowledges and appreciates that the Advisory Action dated October 12, 2006 has been withdrawn and a Final Office Action is issued.

Claims 9, 14-17, 24, 25 and 31-34 have been withdrawn from consideration. Claims 6 and 7 have been cancelled. The Examiner rejected claims 1-8, 10-13, 18-23, 26-30 and 35-45. Therefore, claims 1-5, 8, 10-13, 18-23, 26-30 and 35-45 are pending in the application.

The Examiner rejected claims 1-5, 8, 26 and 27 under 35 U.S.C. 102(b) as being anticipated by **Bachman** (US 4,764,010). Applicant respectfully traverses this rejection. The Examiner rejected claims 10-13 and 18 under 35 U.S.C. 103(a) as being unpatentable over **Bachman** in view of **Holzl** (US 5,026,998). Applicant respectfully traverses this rejection. The Examiner rejected claim 19 under 35 U.S.C. 103(a) as being unpatentable over **Bachman** in view of **Holzl**, as applied to claim 18, and further in view of **Stabile** (US 5,872,623). Applicant respectfully traverses this rejection. The Examiner rejected claims 20, 21, 38-41, 44 and 45 under 35 U.S.C. 103(a) as being unpatentable over **Bachman** in view of **Holzl** and **Dankliker**. Applicant respectfully traverses this rejection. The Examiner rejected claims 28-30 under 35 U.S.C. 103(a) as being unpatentable over **Bachman** in view of **Snyder** (US 4,480,912). The Examiner rejected claim 36 under 35 U.S.C. 103(a) as being unpatentable over **Bachman** in view of **Stabile**. The Examiner rejected claim 42 under 35 U.S.C. 103(a) as being unpatentable over **Bachman** in view of **Holzl** and **Dankliker** and **Snyder**. Applicant respectfully traverses this rejection. Finally, the Examiner rejected claim 43 under 35 U.S.C. 103(a) as being unpatentable over **Bachman** in view of **Holzl** and **Dankliker** and **Stabile**. Applicant respectfully traverses this rejection.

In the Office Action dated January 4, 2007, claims 1-5, 8, 26 and 27 were rejected under 35 U.S.C. 102(b) as allegedly being anticipated by **Bachmann** (U.S. Patent No. 4,764,010). Applicant respectfully traverses this rejection.

As the Examiner well knows, an anticipating reference by definition must disclose every limitation of the rejected claim in the same relationship to one another as set forth in the claim. *In re Bond*, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990).

With regard to amended independent claim 1, Applicants describe and claim sending an optical signal from a first apparatus to a second apparatus based upon an incident angle. The method of claim 1 further includes receiving a reflection having a reflected angle of the optical signal from the second apparatus on a screen and adjusting a position of one of the apparatuses relative to the other apparatus by adjusting the incident angle based upon the reflection. For example, Applicants describe that embodiments of the present invention provide for a method and an apparatus for positioning a first device in relation to a second device. For example, the first device may be a measuring instrument or a test instrument that is aligned or positioned in relation to a second device, such as the LCD screen of a computer display and/or a television screen. Therefore, the measuring instrument can be aligned more accurately, such that consistent testing of various LCD screens may be performed, thereby increasing the efficiency of testing of computer displays. *See* Patent Application, page 7, lines 6-12. The applicant further describes embodiments of the present invention provide for an optical source that is affixed to a test instrument wherein a light source (*e.g.*, a laser) is pointed towards a subject, such as the LCD screen, which may contain a reflective material (*e.g.*, a mirror) affixed upon its surface. The light is then reflected back to a screen that may be affixed to the test instrument or the optical

source. Therefore, the orientation of the reflected light upon the screen may be used to more accurately align or position the measuring instrument in relation to the LCD screen. It is respectfully submitted that independent claim 1 is not anticipated or rendered obvious based on **Bachmann**.

**Bachmann** describes techniques for aligning axes of different portions of a single apparatus, i.e., it aligns two or more bracket axes relative to each other on a testing or processing machine. In the testing or processing machine described by **Bachmann**, the axis of a second bracket is aligned relative to the axis of a first bracket on the same testing or processing machine. In other words, **Bachmann** describes a single testing machine whose brackets with their axes are to be aligned relative to each other. See **Bachmann**, col. 2, lines 30-32 and Figure 1. However, aligning of different apparatus portions with their axes relative to each other in **Bachmann** is distinct from adjusting a position of one of the apparatuses relative to the other apparatus, as set forth in claim 1.

In the Office Action, on page 2, the Examiner asserts that **Bachmann** teaches all the features of claim 1. **Bachmann** does not, however, teach or suggest adjusting a position of one of the apparatuses relative to the other apparatus in which an optical signal is sent from a first apparatus to a second apparatus, as set forth in independent claim 1.

The Examiner argues that the “first apparatus” of claim 1 corresponds to the first bracket of the four brackets 14a-d on a testing or processing machine in **Bachmann**, and the “second apparatus” corresponds to the second bracket of the four brackets 14a-d on the same testing or

processing machine disclosed in **Bachmann**. See Final Office Action, page 2. However, the Examiner is plainly incorrect with respect to the “second bracket” (i.e., second apparatus according to the Examiner). Even a cursory review of **Bachmann** reveals that the second bracket (“second apparatus” according to the Examiner) is, in fact, mounted on the same testing or processing machine on which the first bracket (i.e., first apparatus according to the Examiner) is mounted, and it is not a second apparatus, as called for by claim 1. See **Bachmann**, col. 2, lines 30-32 (stating a testing machine whose brackets with their axes are to be aligned relative to each other). For this reason alone, claim 1 (and its dependent claims) are allowable.

**Bachmann** neither sends an optical signal from a first apparatus to a second apparatus based upon an incident angle nor does it receive a reflection having a reflected angle of the optical signal from the second apparatus, as set forth in independent claim 1. In fact, **Bachmann** is completely silent about a second apparatus and adjusting a position of any one of the two or more apparatuses. Thus, Applicants respectfully submit that independent claim 1 and its dependent claims are in condition for allowance.

In addition, other pending claims that stand rejected on a combination of **Bachmann** with other cited references are also allowable because **Bachmann** discloses aligning for a single apparatus with multiple brackets. Since **Bachmann** aligns, relative to each other, these brackets with their axes, it actually teaches away from the claimed combination. At a minimum, **Bachmann** undermines any motivation to combine its teachings with that of *other cited references*.

The pending claims are allowable for an additional fundamental reason --- not only ***Bachmann*** fails to teach all the features of claim 1 in the manner suggested by the Examiner, but rather the purported prior art is a non-analogous prior art. In other words, the Examiner uses the non-analogous ***Bachmann*** prior art in an attempt to read upon claims of the present invention. Claims 1, 26 (as amended) and 27 call for sending an optical signal from a first apparatus to a second apparatus based upon an incident angle and receiving a reflection having reflected angle on the screen and then adjusting. Claims 1, 26 and 27 also call for adjusting a position of one of the apparatus relative to the other by adjusting the incident angle based upon the reflection. The non-analogous subject matter of ***Bachmann*** does not anticipate all of the elements of these claims. The Examiner cites broad, column-long citations of ***Bachmann*** without providing specific element by element analysis and arguments to reject the claims. However, upon an evaluation of ***Bachmann***, it is clear that ***Bachmann*** does not anticipate all of the elements of claims of the present invention.

***Bachmann*** merely discloses brackets being aligned using a laser. A laser is mounted on the first bracket and directs a beam onto the reflector surface of a disc mounted on the second bracket. The reflected beam produces a dot of light on the perforated disc, which is arranged near the exit aperture of the light source. The second bracket is adjusted, wherein the dot of light is directed onto the aperture and then the two brackets are regarded as being aligned. ***Bachmann*** cites that the beam emitted by the light source coincides exactly with the axis of the first bracket and the axis of the beam is aligned with the first bracket. See column 2, lines 4-20 of ***Bachmann***. ***Bachmann*** discloses that a partial deflection of the beam produces a weak image on the perforated disc 25. If the phase 32a is not at exactly a right angle to the incident beam,

the column 33 is then adjusted so that the weak dot of light disappears in the apertures. *See* column 5, lines 8-13. **Bachmann** discloses that the merging light beam is only adjusted in the vertical plane. *See* column 5, lines 13-16. Therefore, it is apparent from a reading of **Bachmann** that **Bachmann** uses the disappearance of the weak image of the partially deflected beam to perform alignment. **Bachmann** does not disclose adjusting the position between the first and second devices based on the reflected light on the screen by adjusting the incident angle. In fact, **Bachmann** clearly does not disclose adjusting the incident angle at all. Therefore, clearly, **Bachmann** does not disclose adjusting the position of one of the apparatuses relative to the other by adjusting any type of an incident angle based upon a reflection. **Bachmann** does not disclose any type of a measurement or analysis of the incident angle at all. Therefore, for at least the arguments provided above claims 1, 26 and 27 of the present invention are not taught, disclosed or suggested by **Bachmann**. Therefore, claims 1, 26 (as amended) and 27 of the present invention are allowable for at least the reasons cited above. Further, dependent claims 2-5 and 8, which depend from allowable claim 1, are also allowable for at least the reasons cited above.

Claims 10-13 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Bachmann** in view of **Holz** (U.S. Patent No. 5,026,998). Applicant respectfully traverses this rejection.

Claim 10 calls for an optical source fixed to a first apparatus, wherein the optical source is capable of directing an incident light onto a second apparatus. The system also includes a light receiving unit to receive reflected light from the second apparatus, wherein the light receiving unit comprises a circuit to detect the position of the reflected light. The position of the reflected light is used to adjust the position of the first and second apparatuses.

**Bachmann** clearly does not disclose any type of a circuit to detect the position of the reflected light. The Examiner cites **Holzl** to make up for this deficit. However, **Holzl** merely discloses checking the coaxial alignment of tandem arranged shafts. **Holzl** is directed to measuring the inline or an offset state of the shaft. However, The Examiner cites the reference item 7 in Figure 1 to argue obviousness of the circuit to detect the position of the reflected light called for by claim 10. However, **Holzl** merely discloses proximate the first shaft 1, there is a measuring receiver 7 fixed in relation to the light source 5. See column 4, lines 19-22. **Holzl** also refers to item No. 7 of Figure 1 as “position detector 7” wherein the position detector 7 produces two signals  $S_x$ ,  $S_y$  which corresponds to the X and Y coordinate of the position A of the incidence of the light beam on the position detector 7. See column 4, lines 22-31. However, **Holzl** also discloses that  $S_x$ ,  $S_y$  correspond to electrical signals that is indicative of the size and the prefix sign of mutually perpendicular components  $S_x$ ,  $S_y$  of the distance of the respective point of incidence. See column 4, lines 51-56. Therefore, it would not be clear to those skilled in the art that the measuring receiver 7 actually generates electrical signals that is indicative of the position of the reflective light. **Holzl** does not describe a circuit that actually detects the position of the reflected light. The item 7 in Figure 1 merely illustrates a screen that receives a reflected light at a point of incidence A and wherein the screen has an  $S_y$  coordinate. However, there is no disclosure of a circuit. Therefore, combining **Holzl** to **Bachmann** does not make up for the deficit of **Bachmann** and claim 10 of the present invention is not made obvious.

Further, those skilled in the art would not combine the non-analogous art of **Bachmann** and **Holzl** without improper hindsight, in order to make obvious all of the elements of claims of the present invention. **Holzl** is directed to checking the coaxial alignment of tandem-arranged

shafts. In contrast, **Bachmann** is directed to aligning a first bracket and a second bracket. It is improper hindsight reasoning to combine these non-analogous prior art references to argue obviousness of all of the elements of yet another non-analogous subject matter of claims of the present invention. There is no evidence of motivation within the cited prior art that would lead those skilled in the art to combine **Bachmann** and **Holzl** to read upon the element of claim 10 of the present invention. Further, claim 18 calls for the first apparatus to be a testing device, which again, is not disclosed by either **Bachmann**, **Holzl** or their combination. Therefore, the Examiner has failed to establish a *prima facie* case of obviousness of claims 10 and 18 of the present invention. Therefore, claims 10 and 18 of the present invention are allowable. Further, independent claims 11, 12 and 13, which depend from claim 10 are also allowable for at least the reasons cited above.

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Bachmann** in view of **Holzl** as applied to claim 18 and further in view of **Stabile** (U.S. Patent No. 5,872,623). Applicant respectfully traverses this rejection.

Claim 19 calls for the testing device being either a photometer or a radiometer. The Examiner asserts **Stabile** make obvious the photometer and the radiometer of claim 19. The Examiner uses **Stabile** to make obvious the photometer and the radiometer by citing Figure 1B, reference 205. Figure 1B, reference 205 refers to a “planer substrate”. However, the object that the Examiner suggests is a photometer or a radiometer is actually a screening array. **Stabile** does not make obvious the photometer and the radiometer being a testing device, as called for by claim 19 of the present invention.



Additionally, all of the elements of the independent claim from which claim 19 indirectly depends are not disclosed by **Bachmann** or **Hölzl** as described above. Adding **Stabile** to this set of disclosures does not make up for the deficits of **Bachmann** and **Hölzl**. **Stabile** merely refers to measuring the amount of light emitted from a plurality of detection sites but does not call for the reflective light to provide for alignment, as called for by claim 19 of the present invention. Therefore, the combination of **Bachmann**, **Stabile** and **Hölzl** does not teach, disclose or suggest all of the elements of claim 19 of the present invention.

Additionally, those skilled without using improper hindsight, would not combine the disclosures of **Bachmann**, **Hölzl** and **Stabile** since they are directed to substantially different subject matters. **Bachmann** is directed to aligning a first bracket and a second bracket, whereas, **Hölzl** is directed to checking the coaxial alignment of tandem arranged shafts. **Stabile** is directed to measuring the amount of light emitted from a plurality of detection sites. Therefore, without using improper hindsight reasoning, there is no indication of evidence or arguments to support the assertion that those skilled in the art would combine **Bachmann**, **Hölzl** and **Stabile** to read upon all of the elements of claim 19 of the present invention. However, as described above, even if **Bachmann**, **Hölzl** and **Stabile** were to be combined, all of the elements of claim 19 would not be taught, disclosed or suggested. Therefore, the Examiner failed in providing a *prima facie* establishment of obviousness of claim 19 of the present invention. Accordingly, claim 19 is allowable for at least the reasons cited herein.

Claims 20, 21, 38-41, 44 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Bachmann** in view of **Hölzl** and **Dankliker** (U.S. Patent No. 4,225,241). Applicant respectfully traverses this rejection.

Claims 20 refers to the second apparatus being a computer display device and claim 21 relates to the computer display device being an LCD screen. Further claim 38 refers to the second apparatus being a television display and claims 39 and 44 relate to the computer display device being LCD screens. Further claim 40 relates to testing unit and a computer display. Claim 45 provides for the computer display having a reflective material affixed.

The Examiner adds the disclosure of **Dankliker**, which refers to an LCD. **Dankliker** refers to a collimated light beam being passed through transparent texture marking and adjusting the relative position of the planer transparent objects. However, neither **Bachmann** nor **Dankliker** calls for the alignment of an apparatus based upon the reflected light, as called for by claims 20, 21, 38-41, 44 and 45.

Further, **Dankliker** and **Bachmann** are directed to diverse subject matter and those skilled in the art would not find motivation in the prior art to combine them without using improper hindsight to make obvious all the elements of claims 20, 21, 38-41, 44 and 45. However, even when combined as described above, all of the elements of claims 20, 21, 38-41, 44 and 45 would not be taught, disclosed or make obvious. Therefore, the Examiner failed in providing a *prima facie* establishment of obviousness of claims 20, 21, 38-41, 44 and 45 of the present invention. Accordingly, claims 20, 21, 38-41, 44 and 45 are allowable for at least the reasons cited herein.

Claims 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Bachmann** in view of **Snyder** (U.S. Patent No. 4,480,912). Applicant respectfully traverses this rejection.

The Examiner cites **Snyder** to make obvious a screen with a plurality of marks on the screen. Applicant respectfully disagrees that **Bachmann** shows means for adjusting a position of an apparatus relative to another apparatus by adjusting the incident angle based upon the reflection as described above. Further, **Snyder** does not disclose a plurality of markings on the screen. The Examiner is unable to point to any text-citations or drawings in **Snyder** to support this contention. **Snyder** merely discloses that a piece of graph paper 110 may be secured in front of the screen. However, the screen of **Snyder** does not include any markings, in contrast for by claim 28 of the present invention. Therefore, the combination of **Snyder** and **Bachmann** does not disclose all of the elements of claim 28 of the present invention.

Further, claims 29 and 30, which depend from claim 27, are also not taught, disclosed or suggested by **Bachmann** for the reasons cited above and **Snyder** does not make up for this deficit; nor does the Examiner argue that **Snyder** makes up for this deficit. Therefore, the combination of **Bachmann** and **Snyder** does not teach, disclose or suggest all of the elements of claims 28, 29 and 30 of the present invention. Accordingly, claims 28, 29 and 30 of the present invention are allowable.

Further, the **Bachmann** is directed to aligning a first bracket and a second bracket, wherein **Snyder** is directed to aligning a first transducer to a second transducer using a laser. This non-analogous art would not be combined by those skilled in the art to read upon the elements of claims of the present invention. Therefore, the Examiner failed in providing a *prima facie* establishment of obviousness of claims 28, 29 and 30 of the present invention. Accordingly, claims 28, 29 and 30 are allowable for at least the reasons cited herein.

Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Bachmann** in view of **Stabile**. Applicant respectfully traverses this rejection.

Claim 36 relates to the first device being either a photometer or a radiometer. As described above, adding **Stabile** to read upon the testing device and the testing device being either a photometer or a radiometer, is a misapplication of the prior art. As described above, **Bachmann** and **Spink** do not teach all of the elements of the underlying independent claim (claim 27) from which claim 36 depend. There is no disclosure in **Bachmann**, **Spink**, or their combination that relates to adjusting an apparatus based upon the reflective light and its angle.

In fact, as described above, **Stabile** does not disclose a photometer or radiometer; it merely discloses a screening array. Therefore, even when combined, **Bachmann**, and **Stabile** do not disclose all of the elements of claim 36 of the present invention. Further, as described above, those skilled in the art would not combine **Bachmann** and **Stabile** to make obvious all of the elements of claim 36 of the present invention. Therefore, the Examiner failed in providing a *prima facie* establishment of obviousness of claim 36 of the present invention. Accordingly, claim 36 is allowable for at least the reasons cited herein.

Claim 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Bachmann** in view of **Holzl** and **Dankliker** and **Snyder**. Applicant respectfully traverses this rejection.

Claim 42 calls for the screen to comprise a plurality of marking to provide a location on the screen upon which the reflective light is received. The Examiner cites **Snyder** to make obvious a screen with a plurality of marks on the screen. Applicant respectfully disagrees that **Bachmann** shows means for adjusting a position of an apparatus relative to another apparatus by

adjusting the incident angle based upon the reflection as described above. Further, **Snyder** does not disclose a plurality of markings on the screen. The Examiner is unable to point to any text-citations or drawings in **Snyder** to support this contention. **Snyder** merely discloses that a piece of graph paper 110 may be secured in front of the screen. However, the screen of **Snyder** does not include any markings, in contrast for by claim 42 of the present invention. Therefore, the combination of **Snyder** and **Bachmann** does not disclose all of the elements of claim 28 of the present invention.

Further, it is not clear why the Examiner added the disclosure of **Holzl** and **Dändliker** to this argument since the Examiner did not argue the disclosure of **Holzl** and **Dändliker** to reject claim 42 of the present invention. **Holzl** and **Dändliker** also do not disclose a plurality of marking to provide a location on the screen upon which the reflective light is received. Applicant asserts that those skilled in the art would not combine these prior art disclosures to make obvious all of the elements of claim 42 of the present invention. Therefore, the Examiner failed in providing a *prima facie* establishment of obviousness of claim 42 of the present invention. Accordingly, claim 42 is allowable for at least the reasons cited herein.

Claim 43 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Bachmann** in view of **Holzl** and **Dankliker** and **Stabile**. Applicant respectfully traverses this rejection.

Claim 43 calls for the testing unit being a photometer and/or a radiometer. The Examiner cited **Bachmann**, **Holzl**, **Dändliker** and **Stabile** and then discusses **Walker** in the argument. Examiner uses **Stabile** to make obvious the photometer and the radiometer by citing Figure 1B, reference 205. Figure 1B, reference 205 refers to a “planer substrate”. However, the object that the Examiner suggests is a photometer or a radiometer is actually a screening array. **Stabile** does

not make obvious the photometer and the radiometer being a testing device, as called for by claim 43 of the present invention.

Additionally, all of the elements of the independent claim from which claim 43 indirectly depends are not disclosed by **Bachmann** or **Hölzl** as described above. Adding **Stabile** to this set of disclosures does not make up for the deficits of **Bachmann** and **Hölzl**. **Stabile** merely refers to measuring the amount of light emitted from a plurality of detection sites but does not call for the reflective light to provide for alignment, as called for by claim 43 of the present invention. Therefore, the combination of **Bachmann**, **Stabile** and **Hölzl** does not teach, disclose or suggest all of the elements of claim 43 of the present invention.

Further, as described above, those skilled in the art would not be motivated to combine **Bachmann**, **Hölzl**, **Dankliker** and **Stabile**, which all contain diverse subject matter. Therefore, it would be improper hindsight reasoning to combine them to make obvious all of the elements of claim 43. However, even if these prior art disclosures were combined, as described above, all of the elements of claim 43 would not be taught, disclosed or suggested. Therefore, the Examiner failed in providing a *prima facie* establishment of obviousness of claim 43 of the present invention. Accordingly, claim 43 is allowable for at least the reasons cited herein.

Reconsideration of the present application is respectfully requested.

In light of the arguments presented above, Applicants respectfully assert that claims 1-5, 8, 10-13, 18-21, 22, 23, 26, 27-30 and 35-45 are allowable. In light of the arguments presented above, a Notice of Allowance is respectfully solicited.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned agent at the Houston, Texas

telephone number (713) 934-4089 to discuss the steps necessary for placing the application in condition for allowance.

Respectfully submitted,

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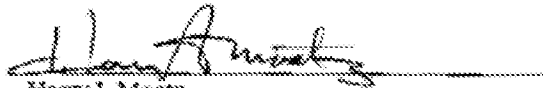
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